Application No.: 09/9/3,637

Amendment dated: October 23, 2003 Reply to Office Action of: April 24, 2003

## **REMARKS/ARGUMENTS**

Applicant respectfully notes that no new matter has been introduced in the amended claims. The amended claims incorporate the limitations that were originally described in the specification.

The "one-piece" housing limitation is disclosed numerous times in numerous places in the original specification. For example, on page 2 lines 4, 9, 12, 15, 17, 19, on page 3 lines 1, 3, 5, 7, 9-10, 11, 13, 15, 18, on page 4 lines 3, 9, 10, 13, 15-16, 18-19, 21-22, and on page 5 lines 1-2, 6-7, 10-11, 14-15, 22-23 of the original specification the limitation of a "single-tube sealed container" is repeatedly and consistently disclosed. Also on page 4 lines 4-7 and lines 10-12 of the original specification is disclosed "...a housing 1 that is in the shape of an elongated cylinder with two semi-spherical channels 2, 3 through the length of the housing 1 defined by the housing 1..." Therefore, no new matter was introduced.

The "rigid material" limitation is a necessary and inherent property of the disclosed invention. As disclosed on page 2 lines 13-14 of the specification, "...when the multi-channel single-tube sealed container and applicator is bent it will break open at the score...", on page 5 line 11, "...with both of its sealed ends 5, 6 broken at the scores 7, 8 ...", on page 5 line 17, "...by breaking the sealed ends 5, 6 at the appropriate scores 11, 12...", and also on page 6 line 2, "...by breaking the sealed ends 5, 6 at the appropriate score 13, 14 ..." the housing must necessarily be of a rigid material for it to be able to break open at the score when bent.

Furthermore, the "permanently sealed" limitation is also disclosed numerous times in numerous places in the original specification. For example, on page 2 lines 4, 9, 12, 15, 17, 19, on page 3 lines 1, 3, 5, 7, 9-10, 11, 13, 15, 18, on page 4 lines 3, 9, 10, 13, 15-16, 18-19, 21-22,

Application No.: 09/9/3,637

Amendment dated: October 23, 2003 Reply to Office Action of: April 24, 2003

and on page 5 lines 1-2, 6-7, 10-11, 14-15, 22-23 of the original specification the limitation of a "single-tube sealed container" is repeatedly and consistently disclosed. Also on page 2 line 11, it is disclosed that the housing "...is sealed on both ends." In addition, on page 4 line 19, it is disclosed that the housing has "... both of its ends 5, 6 sealed..." Furthermore, on page 5 line 11, it is disclosed that the housing has "... both of its sealed ends 5, 6..." Therefore, no new matter was introduced.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Joe Nieh

Registration Number: 46,961 17800 Castleton Street, Suite 475

City of Industry, CA 91748

Tel: (626) 964-4227 Fax: (626) 964-5727

E-Mail: nieh@justice.com

Application No.: 09/973,637

Amendment dated: October 23, 2003 Reply to Office Action of: April 24, 2003



## RECEIVED

OCT 3 1 2003
TECHNOLOGY CENTER R3700

Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1<sup>st</sup> Class Mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

October 23, 2003

Joe Nich

Registration Number: 46,961 17800 Castleton Street, Suite 475

City of Industry, CA 91748 Tel: (626) 964-4227

Fax: (626) 964-5727

E-Mail: nieh@justice.com